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Gilliam IP PLLC (CA)
7200 N. Mopac
Suite 440
Austin, TX 78731

EXAMINER

SANDERS, STEPHEN

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SRIKANTH MANDAVA

Appeal 2015-000465
Application 12/137,044¹
Technology Center 2400

Before HUNG H. BUI, JOSEPH P. LENTIVECH, and JOHN R. KENNY,
Administrative Patent Judges.

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) from the Examiner's Final Office Action rejecting claims 1–13 and 17–20, which are all claims pending on appeal. Claims 14–16 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.²

¹ According to Appellant, the real party in interest is CA, Inc. App. Br. 2.

² Our Decision refers to Appellant's Appeal Brief filed February 4, 2013 ("App. Br."); Reply Brief filed May 7, 2013 ("Reply Br."); Examiner's Answer mailed March 7, 2013 ("Ans."); Final Office Action mailed September 7, 2012 ("Final Act."); and original Specification filed June 11, 2008 ("Spec").

STATEMENT OF THE CASE

Appellant's invention relates to "content transfer control" and "file management policies . . . used to limit files that may be stored on or copied from [a] data storage device." Spec., Title, ¶ 17. According to Appellant, a file management policy is used to allow files to be read from a data storage device but prevents those files from being written, or otherwise stored, to other data storage locations. *Id.* ¶ 18.

Claims 1, 11, and 19 are independent. Claim 1 is illustrative of Appellant's invention, as reproduced below with disputed limitations in italics:

1. A computerized method comprising:
receiving, in a device driver, a request to perform a file management function affecting a location where a first file is stored;
in the device driver, querying a repository of file management rules as a function of at least one of a file type of the first file and a location where the first file is stored and a destination of where the first file is to be stored and an identity of the user to retrieve a first set of file management rules;
determining, in the device driver through execution of instructions on a computer processor, if the destination is an authorized location where the first file may be stored as a function of the first set of retrieved file management rules; and
in the device driver, *preventing the file management function upon determining that the destination is not an authorized location.*

See Amendment³ filed June 13, 2012 (emphasis added).

³ The claims presented in the Claims Appendix are predicated upon entry of an Amendment After Final filed on February 4, 2013, filed concurrently with the Appeal Brief ("App. Br."). However, that Amendment was not entered by the Examiner as indicated in Miscellaneous Communication issued by the Examiner on June 20, 2013. As such, for purposes of this

Examiner's Rejection and References

Claims 1–13 and 17–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Levien et al. (US 2006/0274154 A1, published Dec. 7, 2006; “Levien”) and Kobata et al. (US 2002/0082997 A1, published June 27, 2002). Ans. 4–14.

ANALYSIS

Claims 1, 11, and 19

In support of the obviousness rejection of independent claim 1, and similarly independent claims 11 and 19, the Examiner finds Levien teaches Appellant’s claimed “computerized method” including all the steps, except for the use of “a device driver” to implement the steps recited. Ans. 4–5 (citing Levien ¶¶ 10, 66–67, 165–166, 195, 222–224, 249–250, 265). The Examiner then relies on Kobata for teaching the use of a “device driver” in the context of using “file management rules” to control digital content to support the conclusion of obviousness. *Id.* at 4–5 (citing Kobata ¶¶ 186–187, Fig. 15).

Appellant does not challenge the Examiner’s rationale for combining Levien and Kobata. Instead, Appellant contends the combination of Levien and Kobata does not teach or suggest “a device driver that receives [1] ‘a request to perform a file management function affecting a location where a . . . file is stored’ and [2] prevents ‘the file management function upon determining that the destination is not an authorized location,’ as recited in Appellant’s claims.” App. Br. 11. According to Appellant, Levien and

appeal, we treat claims 1–13 and 17–20 as presented in the Amendment filed on June 13, 2012, as claims pending on appeal.

Kobata “provide solutions that implement file management rules either through a stand-alone software program or through a module that is integrated into the managed digital content” but “neither of these solutions utilize a device driver to implement and enforce file management rules.” *Id.* In particular, Appellant argues Levien does not teach or suggest “augmenting the functionality of a device driver to implement and enforce file management rules as claimed.” *Id.* at 12. Appellant acknowledges Kobata teaches the use of a “device driver” but argues (1) the “device drivers disclosed in paragraphs [0186]-[0187] of *Kobata* perform no further functions than what a device driver typically perform, such as facilitating communication between and operating system” and (2) “Figure 15 and paragraphs [0186]-[0187] of *Kobata* do not disclose or even mention file management rules.” *Id.*

We are not persuaded by Appellant’s arguments. One cannot show nonobviousness by attacking references individually where the rejection is based on combination of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981). “[T]he test [of obviousness] is what the combined teachings of the references would have suggested to those of ordinary skill in the art.” *Id.* at 425. Both Levien and Kobata disclose systems and methods for controlling and managing digital content using different types of rules. For example, Levien teaches using data storage protocol and identifier record to restrict access to digital content, shown in Levien’s Figures 31–42. Similarly, Kobata teaches using file management rules, shown in Figure 8B, to control access to digital content. *See Kobata* ¶¶ 102–103, 140–141, Fig. 8B. Contrary to Appellant’s arguments, Kobata (not Levien) is relied upon for teaching the use of a “device driver” shown in Figure 8B and, as correctly

recognized by the Examiner, that “device driver” can implement and enforce the file management rules. Ans. 15–16 (citing Kobata ¶¶ 95, 102–103, 140–141). Levien is relied upon for teaching the recited functions of: (1) “receiving . . . a request to perform a file management function affecting a location where a . . . file is stored” in the form of a query from an authorized user (or 3rd party) to activate access to digital content as described by Levien; and (2) “preventing the file management function upon determining that the destination is not an authorized location” in the form of preventing transfer of digital content based on a failure to obtain confirmation of an authorized user as described by Levien. Ans. 4–5 (citing Levien ¶¶ 210, 249–250).

In the reply, Appellant acknowledges Kobata’s “viewer module 1406” described in paragraph 187 is part of a “device driver” but argues that: (1) Kobata’s “viewer module 1406 resides at the **destination**, not the **source**, of a digital asset, and could not ‘prevent (a) file management function (affecting a location where a first file is stored) upon determining that the **destination** is not an authorized location’” as recited in claims 1, 11, and 19; and (2) the terms “viewer module 416” (shown in Kobata’s Figure 4) and “viewer module 1406” (shown in Kobata’s Figure 15) are not the same. Reply Br. 2–3. We remain unpersuaded because Appellant’s claims 1, 11, and 19 do not preclude the “device driver” at either the source or the destination as long as the recited “file management function” is performed. Moreover, contrary to Appellant’s argument, the “viewer module 416” shown in Kobata’s Figure 4 and the “viewer module 1406” shown in Kobata’s Figure 15 are examples of a “device driver” that can be “a stand-

alone software program” or can be an integrated part of the digital content itself. Kobata ¶¶ 84, 95, 102–103, 186–187.

For the foregoing reasons, Appellant has not demonstrated the Examiner erred. Accordingly, we sustain the Examiner’s obviousness rejection of independent claims 1, 11, and 19 based on Levien and Kobata.

Claim 2

Claim 2 depends from claim 1, and further comprises “logging the file management function request including [1] an indication if the file management function was allowed or prevented and [2] data identifying the identity of the user.”

Appellant argues Levien only teaches “transferring an inventory data version from the separate storage facility to an external unit” and does not teach “logging the file management function request including [1] an indication if the file management function was allowed or prevented and [2] data identifying the identity of the user” as recited in claim 2. App. Br. 14–15 (citing Levien ¶ 248).

We are not persuaded. As correctly recognized by the Examiner, the logging function of a file management function request is part of the file management rules as described by Kobata. Ans. 16 (citing Kobata ¶¶ 102–103, 140–141, Fig. 8B). Moreover, Appellant’s logging function can also be interpreted to encompass tracking how/when and by whom the digital content is manipulated. *Id.* (citing Kobata ¶ 118).

For these reasons, we sustain the Examiner’s obviousness rejection of claim 2 based on Levien and Kobata.

Claims 3 and 13

Claim 3 depends from claim 1, and further comprises “communicating an alert to another user when a file management function is prevented.” Similarly, claim 13 recites the same limitation.

Appellant argues Levien teaches “alerting an authorized user before the data is transferred, whereas Appellant’s claim 3 recites alerting a user at the same time a file management function is prevented or after the file management function is prevented” and, as such, Levien does not teach or suggest “communicating an alert to another user when a file management function is prevented” as recited in claim 3. App. Br. 15 (citing Levien ¶¶ 164, 249–250).

We remain unpersuaded. Specifically, Levien teaches:

employing one or more of the following features for making the captured data available to an authorized party prior to the transferring: printout, screen display, viewfinder display, display monitor, thumbnail display, removable memory, device memory, audio, tactile, alert, notification, transmittal to other device, and instructional.

Levien ¶ 164 (emphasis added). As correctly recognized by the Examiner, such an alert or notification can be generated when a file management function is executed regardless of whether that file management function is authorized or prevented. Ans. 17–18. Moreover, Kobata also teaches tracking of the digital content, including sending “a notification” each time the digital content is accessed. See Kobata ¶ 17.

For these reasons, we sustain the Examiner’s obviousness rejection of claims 3 and 13 based on Levien and Kobata.

Claim 4

Claim 4 depends from claim 1, and further recites “wherein the repository of file management rules is also queried as a function of a type of content held in the first file.”

Appellant argues Levien teaches “[f]acilitating future access to a file by storing the file according to the values of one or more of the file’s attributes” — that is “different from querying a repository of file management rules as a function of a type of content held in a file, as recited in Appellant’s claim 4.” App. Br. 16.

We agree with Appellant. However, Levien also teaches similar “rules” or “policy guidelines” that define limits regarding the type of digital content, i.e., “a function of a type of content held in the first file” as recited in Appellant’s claim 4. Ans. 18; *see also* Levien ¶ 195.

Accordingly, we also sustain the Examiner’s obviousness rejection of claim 4 based on Levien and Kobata.

Claims 7 and 8

Claim 7 depends from claim 1, and further recites “wherein the file management function includes a ‘save as’ operation performed by a computer application.” Claim 8 depends from claim 7, and further recites “the computer application” is “a word processing application.”

Appellant acknowledges Levien teaches the use of a “storage protocol . . . [for] keeping a saved version of selected data.” App. Br. 17 (citing Levien ¶¶ 12, 67). However, Appellant argues that Levien’s keeping a saved version of selected data is not the same as teaching Appellant’s claimed “save as” operation within a word processing application. *Id.*

We remain unpersuaded. The Examiner finds, and we agree, Levien teaches a “save as” operation to save a digital content (i.e., captured image) in the manner recited in Appellant’s claim 7. Ans. 7 (citing Levien ¶ 74). Likewise, the Examiner finds, and we agree, Levien also teaches various computer processing applications in the manner recited in Appellant’s claim 8. *Id.* at 8 (citing Levien ¶¶ 12, 67, Figs. 42, 52, 63). Similar to Levien, Kobata also teaches the use of a viewer module to view the digital content and the viewer module includes “software operable to transform different formats of decrypted digital content into usable formats, so that an end-user can manipulate the digital content” such as “Microsoft Word (Doc).” Kobata ¶¶ 95–96.

For these reasons, we also sustain the Examiner’s obviousness rejection of claims 7 and 8 based on Levien and Kobata.

Remaining Claims 5, 6, 9–12, and 17–20

With respect to the remaining dependent claims 5, 6, 9–12, and 17–20, Appellant presents no separate patentability arguments. App. Br. 18. For the same reasons discussed, we also sustain the Examiner’s obviousness rejection of claims 5, 6, 9–12, and 17–20.

CONCLUSION

On the record before us, we conclude Appellant has not demonstrated the Examiner erred in rejecting claims 1–13 and 17–20 under 35 U.S.C. § 103(a).

DECISION

As such, we AFFIRM the Examiner's final rejection of claims 1–13 and 17–20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED